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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,150	03/29/2004	Zachary Steven Smith	200308781-1	2964

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EXAMINER

RAY, GOPAL C

ART UNIT PAPER NUMBER

2111

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,150

Applicant(s)

SMITH ET AL.

Examiner

Gopal C. Ray

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 1-18 are presented for examination.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. Claim 16 is objected to because the word –and– should be inserted in line 9 after “.”
“.”
4. Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner notes the following ambiguities. However, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.

In general, claims 1-18 are vague and indefinite because of the word “type” in the claims. The addition of the word “type” to an otherwise definite expression extends the scope of the expression so as to render it indefinite. It is unclear as to what specific kind of communication is intended to convey by adding the word “type”. See *Ex parte Copenhagen*, 109 USPQ 118 (Bd. App. 1955).

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1, 3, 5, 12, 14 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Patent Application Publication US 2003/0110338 in view of US Patent 6,697,352 issued to Ludwig et al.

As per claim 1, Patent Application Publication US 2003/0110338 teaches "a detection logic configured to detect whether the point-to-point transaction to be processed by the virtual bus interface includes a data-type field that stores a data from which a value for a header-type field in a bus-type transaction can be produced" in Fig. 2 and paragraphs 0023-0025.

Patent Application Publication US 2003/0110338 fails to expressly teach "... the decode logic being configured to extract the data from the data-type field, to process the data into the value, and to selectively store the value in the header-type field in the bus-type transaction". However, the above feature was well known to one of ordinary skill in the data communication art at the time the invention was made as evidenced by Ludwig et al. The reference of Ludwig et al teaches the feature in Fig. 5 and col. 2, lines 10-33. It would have been obvious to one of ordinary skill in the data communication art at the time the invention was made to modify the system of Patent Application Publication US 2003/0110338 to implement the above feature to obtain the claimed invention because both the prior art systems are analogous to data communication and the above feature is a known possibility from which one of ordinary skill in the data communication art at the time of the invention would select in accordance with circumstances without the exercise of inventive skill so as to allow the system to be compatible with a widely used standard and to take advantage of the many benefits provided by the feature such as access to Internet.

As per claim 3, the reference of Ludwig et al. teaches the added limitation of the claim in Fig. 5. The reasons for the combination of the references to obtain the claimed invention disclosed above are also applicable here.

As per claim 5, Patent Application Publication US 2003/0110338 teaches the added limitation in Fig. 2.

As per claims 12 and 14, the claims recite methods. However, the limitations of the claims are parallel to the limitations of apparatus claims 1 and 3 respectively. In teaching the construction and use of the device, the combination of Patent Application Publication US 2003/0110338 and US Patent 6,697,352 issued to Ludwig et al. teaches corresponding methods.

As per claim 16, the claim recites "a computer-readable medium storing processor executable instructions operable to perform the steps of the method similar to claim 12. Therefore, the claim is rejected for similar reasons as discussed in the rejection of claim 12 with the exception of "a computer-readable medium storing processor executable instructions". However, Patent Application Publication US 2003/0110338 teaches the feature in paragraph 0024.

7. Claims 2, 4, 6-11, 13, 15, 17 and 18 would be allowable if amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. For dependent claims 2, 4, 13, 15 also include all the limitations of the base claim and any intervening claims.

The following is an Examiner's Statement of Reasons for Allowance:

The claimed invention is directed to "a method and an apparatus for virtual bus interface production of header-type fields from data-type fields". The examiner has done complete search and found no prior art of record, alone or in combination, teaches or fairly suggests the limitation, "... the detection logic detects whether the point-to-point transaction includes a data-type field that stores a data from which a value for a header-type field can be produced by examining a transaction type associated with the point-to-point transaction" in combination with other claimed elements as claimed in claim 2. Similarly, each remaining claims 4, 6-10, 11, 13, 15, 17 and 18 recites at least additional

feature(s) in combination with other claimed elements which prior art of record, alone or in combination, does not teach or fairly suggest.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure.

If applicants are aware of any prior art better than those are of record, they are required to bring the prior art to the attention of the examiner. Applicants are also reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56. Applicants are advised to submit any information material to patentability in accordance with 37 CFR 1.97 and 1.98.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The fax phone number for this Group is (571) 273-8300.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**mark.rinehart@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site (www.uspto.gov), from the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.


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